

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the amendments above and the remarks below.

35 U.S.C. §103(a) Rejection of Claims 1-19

In the Office Action, claims 1-19 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Feinberg (U.S. Patent No. 6,082,776). Applicant respectfully traverses this rejection for the following reasons.

Initially, one aspect of applicant's invention is directed to methods for alerting others that an animal is in need of care. For example, the methods for alerting others that an animal is in need of care include providing a card carried by a person which is readily identifiable to others as an animal home alone card and not a typical personal medical card often carried by a person.

In one embodiment, the method for alerting others that an animal is in need of care includes providing a substrate and providing emergency warning indicia for alerting others that an animal is in need of care on the substrate along with providing indicia on the substrate for requesting information and designating a printing area for various information such as an address for locating the animal in need of care, a contact person, a description of the animal, and/or veterinarian information. The emergency warning indicia disposed on said substrate may include, for example, a red medical warning symbol and at least one image of an animal, or words or other symbols that alert others that an animal is in need of care such as "ALERT!!! Animals Home Alone."

Thus, the card may be carried by a pet owner, and in the case of an emergency, others may be alerted to the fact that the owner's pets are in need of care. The card provides pet owners with the security of knowing that their pets will not be forgotten in the event of an emergency or accident and where the pet owner is unable to return home.

By this amendment, the form of claims 1-19 has been amended from apparatus claims to method claims. In particular, claims 1-19 have been amended to now recite methods for use in alerting others that an animal is in need of care. For example, claim 1 now recites a "method for use in alerting others that an animal is in need of care" in which the method includes the steps of "providing a substrate", "providing an animal emergency warning indicia for alerting others that the animal is in need of care disposed on said substrate", and "providing indicia disposed on said substrate for requesting information and designating a printing area for identifying at least one of a) an address for locating the animal in need of care, and b) a contact person." Accordingly, the printed matter rejection raised for devices in light of the *In re Gulack*, 217 USPQ 401 (CAFC 1993) is now rendered moot.

In addition, claims 1-19 have been amended to more particularly recite the methods for alerting others that an animal is in need of care by defining the step of providing emergency warning indicia "for alerting others that the animal is in need of care" on a substrate." Support for the amendments to the claims is found in the specification and in the drawings.

With regard to the applied prior art reference, Feinberg discloses a personal medical card for storing personal medical information.

Furthermore, as correctly noted in the Office Action (page 2, last full sentence), Feinberg does not disclose the specific arrangement and/or contents of the indicia (printed matter) set forth in all of the claims. For example, as correctly noted in the Office Action on page 3, Feinberg does not disclose indicia for identifying a contact person, as recited in claim 3; indicia for identifying the address for locating the animal in need of care and the contact person, as recited in claim 4; veterinarian information, as recited in claim 7; the specific types of warning indicia, recited in claims 9 and 10, the specific indicia on the sticker, recited in claim 13.

As the claims have now been placed in method form, the particular steps and particular content of the information provided on the substrate for a method for use

in alerting others that an animal is in need of care must be considered. That is to say, the claim as a whole must be considered.

Feinberg, in addition to not disclosing the specific arrangement and/or contents of the indicia as noted in the Office Action, also does not mention animals at all. More importantly, Feinberg fails to disclose, teach or suggest any method whatsoever for alerting others that an animal is in need of care. Moreover, Feinberg fails to address the problem of alerting others that an animal is in need of care which applicant's invention addresses.

Thus, Feinberg fails to disclose, teach or suggest a "method for use in alerting others that an animal is in need of care" which includes the steps of "providing a substrate", "providing an emergency warning indicia for alerting others that the animal is in need of care disposed on said substrate", and "providing indicia disposed on said substrate for requesting information and designating a printing area for identifying at least one of a) an address for locating the animal in need of care, and b) a contact person" as now recited in amended claim 1.

In addition, Feinberg fails to disclose, teach or suggest such a method for use in alerting others that an animal is in need of care which further includes "providing indicia disposed on said substrate for requesting information and designating a printing area for identifying a description of the animal" as recited in amended claim 5; providing indicia disposed on said substrate for requesting information and designating a printing area for identifying veterinarian information" as recited in claim 6 and 7; and wherein the "providing emergency warning indicia comprises providing a cross, a medical warning symbol, a cross and images of at least one animal as recited in amended claims 8-10 and 16-19.

Another aspect of applicant's invention includes methods for alerting others that an animal is in need of care which includes providing a card as noted above, providing a sticker attachable to a building corresponding to the location of the animal, and wherein the card and the sticker comprise corresponding emergency warning indicia for alerting others that the animal is in need of care.

With regard to Feinberg, Feinberg discloses in column 6, lines 20-29, a personal medical card in which:

When the card 10 is made, the front 10a and back 10b may be printed separately (e.g., using 300 dpi laser printing on the card material comprising card 10 or on a sticker to be affixed to the card material). The back 10b may be a sticker update which can be affixed to a plastic insurance card or a driver's license. Updated stickers may be affixed to prior stickers. Plastic may also be applied over the barcode 19 for durability of card 10.

Thus, Feinberg discloses forming the personal medical card for storing personal medical information by printing on a sticker and then attaching the sticker to the card. More importantly, Feinberg fails to disclose, teach or suggest separate corresponding indicia on both a card and a sticker.

Accordingly, Feinberg fails to disclose, teach or suggest "providing a card", "providing a sticker attachable to a building", and "providing corresponding emergency warning indicia for alerting others that the animal is in need of care" on the both the card and the sticker as recited in amended claims 13-16 and 17-19.

For all of the reasons above, it is respectfully submitted that amended claims 1-19 are patentable over Feinberg.

#### 35 U.S.C. §103(a) Rejection of Claims 20-38

In the Office Action, claims 20-38 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Feinberg (U.S. Patent No. 6,082,776) in view of Stephens (U.S. Patent No. 5,380,046). Applicant respectfully traverses this rejection for the following reasons.

Another aspect of applicant's invention is directed to a method for alerting others that an animal is in need of care which includes providing a first substrate such as a plastic substrate having an emergency warning indicia disposed thereon, providing a foldable second substrate such as a foldable paper card for receiving

various information such as an address for locating the animal, a contact person, a description of the animal, and/or veterinarian information, and attaching the first substrate to the foldable second substrate.

As noted above, Feinberg discloses a personal medical card for storing personal medical information.

Stephens discloses a personal information packet to be carried by a child or other person to provide identification and relevant information to authorities in the event of an emergency. The packet includes a folded information card bearing personal information on the shielded inwardly folded side of the card sealed within a transparent plastic envelope to secure the card against outward view of the personal information and against unauthorized removal of the card without breaching the sealed integrity of the envelope.

By this amendment, the form of claims 20-38 have been amended from apparatus claims to method claims for alerting others that an animal is in need of care. Accordingly, the printed matter rejection raised for devices in light of the *In re Gulack*, 217 USPQ 401 (CAFC 1993) is now rendered moot. In addition, claims 20-38 have been amended to more particularly recite the methods for alerting others that an animal is in need of care by defining the step of providing emergency warning indicia "for alerting others that the animal is in need of care on the first side of the substrate." Support for the amendments to the claims is found in the specification and in the drawings.

As noted above, in the Office Action (page 2, last full sentence), Feinberg does not disclose the specific arrangement and/or contents of the indicia (printed matter) set forth in all of the claims. In addition, neither Feinberg nor Stephens mentions animals at all. More importantly, neither Feinberg nor Stephens disclose, teach or suggest any method whatsoever for alerting others that an animal is in need of care. Furthermore, both Feinberg and Stephens fail to address the problem of alerting others that an animal is in need of care which applicant's invention addressed.

More specifically, the combination of Feinberg and Stephens fails to teach or suggest a method for use in alerting others that an animal is in need of care which includes the steps of "providing a first substrate comprising a first side and a second side", "providing emergency warning indicia for alerting others that the animal is in need of care disposed on said first side", "providing a second substrate comprising a first side, a second side, and a score line defining said second substrate into foldable and overlapping first and second portions", "attaching said first portion to said second side of said first substrate", and "providing indicia disposed on said second substrate for requesting information and designating a printing area for identifying at least one of a) an address for locating the animal in need of care, and b) a contact person" as recited in amended independent claim 20 (and similarly amended independent claim 35). Amended dependent claims 21-34 (and amended dependent claims 36-38) are also believed allowable for the same reasons noted above in connection with amended independent claim 20 (and amended independent claim 35) from which they directly or ultimately depend, as well as for their own additional features.

With regard particularly to amended claims 32-34 and 36-38, the combination of Feinberg and Stephens fails to disclose, teach or suggest providing such a two-piece card, "providing a sticker attachable to a building", and providing corresponding "emergency warning indicia for alerting others that the animal is in need of care" on the both the card and the sticker as recited in amended claims 32-34 and 36-38.

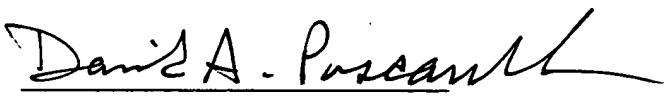
For the reasons above, it is respectfully submitted that amended independent claims 20-38 are patentable over the combination of Feinberg and Stephens.

CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



David A. Pascarella  
Attorney for Applicant  
Reg. No. 36,632

Dated: January 19, 2005

HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579